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January 20, 1998 LB 109

SENATOR BRASHEAR: That's my assumption, Senator Chambers. We're talking here about the head official of the fire department.

SENATOR CHAMBERS: Where is that person given such authority anywhere in the statute or decisional law?

SENATOR BRASHEAR: What do you mean, where are they given the authority?

SENATOR CHAMBERS: By...under what authority would they prescribe the form and content of a citation?

SENATOR BRASHEAR: Under the authority of the bill, if we adopt LB 109. The law abhors a useless act, so there's no reason to be giving the head of the fire department and his designees the authority to issue a citation. And, in fact, these citations presently exist, do they not, except you have to call...go through the time consumptive inefficient act of calling a police officer to issue that citation. The codes are there, and the violations of the codes exist, and this bill isn't changing that, it's just saying who...it's altering who can issue the citation, which already exists, for the purpose of enforcing the code.

SENATOR CHAMBERS: Senator Brashear, when the court construes a statute, the court will give meaning to every word that is in that statute. And when you're dealing with a subject that already exists and it's covered by statute, and you enact another statute on the same subject and you use different language, the court says that by virtue of the fact that you use different language,...

SPEAKER KRISTENSEN: One minute.

SENATOR CHAMBERS: ...it means something different. So, if you put the word "special" in front of "citation," you mean something different from existing citations. Is that true?

SENATOR BRASHEAR: You're talking, Senator Chambers, about a class of citation. Yes, it may mean something different, but to